THE SOCIETIES REGISTRATION ACT, 1904.

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MYSORE ACT No. III OF 1904.

THE SOCIETIES REGISTRATION ACT, 1904.

(*As amended by Acts V of* 1939, *XXXI of* 1943, *and XXVIII of* 1945.)

(PASSED ON THE 15TH DAY OF MARCH 1904.)

An Act for the Registration of Literary, Scientific and Charitable Societies.

WHEREAS it is expedient that provision should be made for [1][regulating, controlling and] improving the legal condition of societies established for the promotion of literature, science, or the fine arts, or for the diffusion of useful knowledge, or for charitable purposes; His Highness the Maharaja is pleased to enact as follows:— Preamble.

1. (1) This Act may be called the Societies Registration Act, 1904; Short title, extent and commencement.

(2) It extends to the [2][whole of the State of Mysore except Bellary District]; and

(3) It shall come into force on the date of its first publication in the Official Gazette.[3]

2. Any seven or more persons associated for any literary, scientific or charitable purpose, or for any such purpose as is described in section 21 of this Act, may, by subscribing their names to a memorandum of association and filing the same with the Registrar of Joint-stock Companies form themselves into a society under this Act. Societies formed by memorandum of association and registration.

3. The memorandum of association shall contain the following things (that is to say)— Memorandum of Association.

the name of the society:

the objects of the society:

the names, addresses, and occupations of the governors, council, directors, committee or other governing body to whom, by the rules of the society, the management of its affairs is entrusted;

[1][the situation of the premises of the Society.]

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1. Inserted by Act XXXI of 1943.
2. See the Mysore Adaptation of Laws Order, 1953.
3. The date of first publication was the 31st March 1904.

A copy of the rules and regulations of the society, certified to be a correct copy by not less than three of the members of the governing body, shall be filed with the memorandum of association.

[1][Every change in the memorandum of association shall, within 30 days of the making thereof, be filed with the Registrar.]

[2][**3-A.** (*i*) The name or the rules of a society may be changed by a resolution of the general body passed by a majority of not less than three-fifths of the members as are present in person or by proxy (where the rules provide for voting by proxy), at a special meeting convened for this purpose, of which written or printed notice shall have been delivered or sent by post to every member of the society within 21 days prior to the date of the meeting.

(*ii*) Such change in the rules shall take effect only affter they are duly registered in the office of the Registrar. A change in the name of the society shall take effect only after it has been approved by the Registrar.]

Registration Fees.

4. Upon such memorandum and certified copy being filed, the Registrar shall certify under his hand that the society is registered under this Act. There shall be paid to the Registrar for every such registration a fee of twenty rupees, or such smaller fee as the Government may, from time to time, direct; and all fees so paid shall be accounted for to Government.

Annual list of managing body to be filed.

5. [3](*a*) Once in every year, on or before the fourteenth day succeeding the day on which, [4]the annual general meeting of the society is held,[4] a list shall be filed with the Registrar of Joint-stock Companies of the names, addresses and occupations of the governors, council, directors, committee or other governing body then entrusted with the management of the affairs of the society.

[5][(*b*) A copy of the balance sheet together with a statement of receipts and expenditure audited by a person who has been granted a certificate by the Government under section 144 of the Mysore Companies Act, 1938,[6] or by a special auditor approved by the Government, shall

1. Added by Act XXXI of 1943.
2. Inserted by Act XXXI of 1943.
3. Renumbered as sub-section (*a*) of section 5 by Act V of 1939.
4. Certain words omitted by Act XXXI of 1943.
5. Sub-sections (*b*), (*c*) and (*d*) added by Act V of 1939.
6. *See* Part B States (Laws) Act, 1951, (Central Act No. III of 1951).

also be filed with the Registrar of Joint-stock Companies, at the same time.

(*c*) A filing fee of eight annas each shall be paid along with the list and the balance sheet referred to in sub-sections (*a*) and (*b*). The said fee may be paid either by affixing Mysore Court Fee Stamps or by crediting the amount to any Government Treasury and by attaching the duplicate chellan to the documents.]

[1](*d*) [* * *]

[2][**5-A.** (1) All societies registered under this Act shall hold every year a general meeting at which the report of the management of the institution for the previous year, together with an audited copy of the balance sheet, receipts and expenditure statement and the auditor's report shall be submitted for approval.

(2) A special meeting may be convened at any time on the requisition of the President or Chairman of the executive committee, if any, or on the requisition of not less than three members of the executive committee or seven members of the general body of the society, who shall state in writing the business for which they wish the meeting to be convened. The Secretary shall convene a meeting of the society before the lapse of ten days from the date of the receipt of the requisition.

(3) If a member has no registered address in [3][the State of Mysore except Bellary District] and has not supplied to the society an address within [3][the State of Mysore except Bellary District] for the giving of notice to him, a notice advertised in two newspapers (one in English and the other in any of the vernacular languages) circulating in the neighbourhood of the registered office of the society, shall be deemed to be duly given to him on the day on which the advertisement appears.]

Property of society how vested.

6. The property, movable and immovable, belonging to a society registered under this Act, if not vested in trustees, shall be deemed to be vested, for the time being, in the governing body of such society, and in all proceedings, civil and criminal, may be described as the property of the governing body of such society by their proper title.

1. Sub-section (*d*) of section 5 deleted by Act XXVIII of 1945.
2. Section 5-A inserted by Act XXXI of 1943.
3. *See* the Mysore Adaptation of Laws Order, 1953.

Suits by and against societies.

7. Every society registered under this Act may sue or be sued in the name of the president, chairman, or principal secretary, or trustees, as shall be determined by the rules and regulations of the society, and, in default, of such determination, in the name of such person as shall be appointed by the governing body for the occasion:

Provided that it shall be competent for any person having a claim or demand against the society, to sue the president or chairman, or principal secretary or the trustees thereof, if, on application to the governing body, some other officer or person be not nominated to be the defendant.

Suits not to abate.

8. No suit or proceeding in any Civil Court shall abate or discontinue by reason of the person by or against whom such suit or proceeding shall have been brought or continued, dying or ceasing to fill the character in the name whereof he shall have sued or been sued, but the same suit or proceeding shall be continued in the name of or against the successor of such person.

Enforcement of Judgment against society.

9. If a judgment shall be recovered against the person or officer named on behalf of the society, such judgment shall not be put in force against the property, movable or immovable, or against the body of such person or officer, but against the property of the society.

The application for execution shall set forth the judgment, the fact of the party against whom it shall have been recovered having sued or having been sued, as the case may be, on behalf of the society only, and shall require to have the judgment enforced against the property of the society.

Recovery of penalty accruing under bye-law.

10. Whenever by any bye-law duly made in accordance with the rules and regulations of the society, or, if the rules do not provide for the making of bye-laws, by any bye-law made at a general meeting of the members of the society convened for the purpose (for the making of which the concurrent votes of three-fifths of the members present at such meeting shall be necessary), any pecuniary penalty is imposed for the breach of any rule or bye-law of the society, such penalty, when accrued, may be recovered in any court having jurisdiction where the defendant shall reside, or the society shall be situate, as the governing body thereof shall deem expedient.

11. Any member who may be in arrear of a subscription which, according to the rules of the society, he is bound to pay, or who shall possess himself of or detain any property of the society in a manner or for a time contrary to such rules, or shall injure or destroy any property of the society, may be sued for such arrear or for the damage accruing from such detention, injury or destruction of property in the manner hereinbefore provided. Members liable to be sued as strangers.

But if the defendant shall be successful in any suit or other proceeding brought against him at the instance of the society, and shall be adjudged to recover his costs, he may elect to proceed to recover the same from the officer in whose name the suit shall be brought, or from the society, and in the latter case shall have process against the property of the said society in the manner above described. Recovery by successful defendant of costs adjudged.

12. Any member of the society who shall steal, purloin or embezzle any money or other property, or willfully and maliciously destroy or injure any property of such society, or shall forge any deed, bond, security for money, receipt or other instrument, whereby the funds of the society may be exposed to loss, shall be subject to the same prosecution, and, if convicted, shall be liable to be punished in like manner, as any person not a member would be subject and liable to in respect of the like offence. Members guilty of offences punishable as strangers.

13. Whenever it shall appear to the governing body of any society registered under this Act, which has been established for any particular purpose or purposes, that it is advisable to alter, extend or abridge such purpose to or for other purposes within the meaning of this Act, or to amalgamate such society either wholly or partially with any other society, such governing body may submit the proposition to the members of the society in a written or printed report, and may convene a special meeting for the consideration thereof according to the regulations of the society; Societies enabled to alter, extend or abridge their purposes.

but no such proposition shall be carried into effect unless such report shall have been delivered or sent by post to every member of the society ten days previous to the special meeting convened by the governing body for the consideration thereof,

nor unless such proposition shall have been agreed to by the votes of three-fifths of the members delivered in

person or by proxy, and confirmed by the votes of three-fifths of the members present at a second special meeting convened by the governing body at an interval of one month after the former meeting.

Provision for dissolution of societies and adjustment of their affairs.

14. Any number not less than three-fifths of the members of any society may determine that it shall be dissolved, and thereupon it shall be dissolved forthwith, or at the time then agreed upon, and all necessary steps shall be taken for the disposal and settlement of the property of the society, its claims and liabilities, according to the rules of the said society applicable thereto, if any, and, if not, then as the governing body shall find expedient, provided that, in the event of any dispute arising among the said governing body or the members of the society, the adjustment of its affairs shall be referred to the principal Court of original civil jurisdiction of the district in which the chief building of the society is situate; and the Court shall make such order in the matter as it shall deem requisite:

Assent required.

Provided that no society shall be dissolved unless three-fifths of the members shall have expressed a wish for such dissolution by their votes delivered in person, or by proxy, at a general meeting convened for the purpose:

Government consent.

Provided that whenever the Government is a member of, or a contributor to, or otherwise interested in, any society registered under this Act, such society shall not be dissolved without the consent of Government.

Upon a dissolution, no member to receive profit.

15. If upon the dissolution of any society registered under this Act, there shall remain, after the satisfaction of all its debts and liabilities, any property whatsoever, the same shall not be paid to or distributed among the members of the said society or any of them, but shall be given to some other society, to be determined by the votes of not less than three-fifths of the members present personally or by proxy at the time of the dissolution, or, in default thereof, by such Court as aforesaid:

Clause not to apply to Joint-stock Companies.

Provided, however, that this clause shall not apply to any society which shall have been founded or established by the contributions of shareholders in the nature of a Joint-stock Company.

Member defined.

16. For the purposes of this Act a member of a society shall be a person who, having been admitted therein according to the rules and regulations thereof, shall have

paid a subscription, or shall have signed the roll or list of members thereof, and shall not have resigned in accordance with such rules and regulations; but in all proceedings under this Act no person shall be entitled to vote or to be counted as a member whose subscription at the time shall have been in arrear for a period exceeding three months. Disqualifi[cation] of members.

17. The governing body of the society shall be the governors, council, directors, committee, trustees or other body to whom by the rules and regulations of the society, the management of its affairs is entrusted. Governing body defined.

18. Any society established for a literary, scientific or charitable purpose, and constituted previously to the passing of this Act, may at any time hereafter be registered as a society under this Act, subject to the proviso that no such society shall be registered under this Act unless an assent to its being so registered has been given by three-fifths of the members present personally, or by proxy, at some general meeting convened for that purpose by the governing body. Registration of societies formed before Act. Assent required.

If no governing body shall have been constituted on the establishment of the society, it shall be competent for the members thereof, upon due notice, to create for itself a governing body to act for the society thenceforth.

19. In order to any such society as is mentioned in the last preceding section obtaining registry under this Act, it shall be sufficient that the governing body file with the Registrar of Joint-stock Companies a memorandum showing the name of the society, the objects of the society, and the names, addresses and occupations of the governing body, together with a copy of the rules and regulations of the society certified as provided in section 3 and a copy of the report of the proceedings of the general meeting at which the registration was resolved on. Such societies to file memorandum, etc., with Registrar of Joint-stock Companies.

20. Any person may inspect all documents filed with the Registrar of Joint-stock Companies under this Act on payment of a fee of one rupee for each inspection, and any person may require a copy or extract of any document or any part of any document, to be certified by the Registrar, on payment of two annas for every hundred words of such copy or extract; and such certified copy Inspection of documents.

shall be *prima facie* evidence of the matters therein contained in all legal proceedings whatever.

To what societies Act applies.

21. The following societies may be registered under this Act:—charitable societies, societies established for the promotion of science, literature, or the fine arts, for instruction, the diffusion of useful knowledge, the foundation or maintenance of libraries or reading rooms for general use among the members or open to the public, or public museums and galleries of painting and other works of art, collections of natural history, mechanical and philosophical inventions, instruments, or designs.

[1][**21-A.** (*i*) Every society shall be inspected at least once in two years by the Registrar or an officer authorised by him in this behalf who shall be entitled to inspect the premises of any society and shall also be entitled to call for such information or explanation within such time as may be specified by him.

(*ii*) Where it appears to the Registrar that the affairs of a society call for investigation, the Registrar may appoint a certified auditor to investigate the affairs of such society and may fix his remuneration which shall be borne by the society.

21-B. Where default is made by a society in filing with the Registrar, any change in the memorandum of association, [2][or in filing with him the returns required by clauses (*a*) and (*b*) of section 5] the Registrar may, after calling upon such society to furnish details of such change [2][or to submit such returns] within a specified time and on the failure of the society to do so, treat the society as having become defunct, [2][and cause a notification of such decision to be published in the Official Gazette] whereupon the incorporation of the society under this Act shall cease:

Provided that the liability, if any, of the members of the governing body or the members of the society, as the case may be, shall continue and may be enforced as if the society had not become defunct.]

[3][**22.** The Government may make such rules as it thinks expedient for carrying out the purposes of this Act.]

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1. Sections 21-A and 21-B inserted by Act XXXI of 1943.
2. Inserted by Act XXVIII of 1945.
3. Added by Act V of 1939.